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# 1778

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

Attorney's Docket Number: 5552.0953-04

Prior Application:

Art Unit: 1806

Examiner: Scheiner, T.

SIR: This is a request for filing a

[ ] Continuation [X] Divisional Application under 37 C.F.R. § 1.60 of pending prior application Serial No. 08/267,539 filed June 29, 1994 of Mathias FIBI et al. for ERYTHROPOIETIN (EPO) PEPTIDES AND ANTIBODIES  
[Inventor(s)] DIRECTED AGAINST THESE  
[Title of Invention]

1. [XX] Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of the first filed prior application Serial No. 07/556,423 as originally filed on July 24, 1990.
2. [XX] Cancel Claims 2-4 and 13. (At least one original independent claim must be retained for filing purposes.)
3. [XX] A Preliminary Amendment is enclosed.
4. [XX] The filing fee is calculated on the basis of the claims existing in the prior application as amended at 2 and 3 above.

For	: Number Filed	: Number Extra	: Rate	: Basic Fee \$770.00
Total	:	:	:	:
Claims	: 18 -20=	: 0	: x\$ 22.00=	: \$ 0
Independent	:	:	:	:
Claims	: 3-3=	: 0	: x\$ 80.00=	: 0
Multiple Dependent Claim(s) (if applicable)			: +\$260.00=	
Total			= :	770.00
Reduction by ½ for			:	
filing by small entity			: -	
TOTAL FILING FEE			= :	770.00

5. [XX] A check in the amount of \$ 770.00 to cover the filing fee is enclosed.
6. [XX] The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
7. [XX] Amend the specification by inserting before the first line, the sentence:

On --This is a [ ] continuation [ X ] division of application Serial No. 08/267,539, filed June 29, 1994, now allowed, which is a continuation of Serial No. 08/135,121, filed June 28, 1993, now abandoned, which is a continuation of Serial No. 07/830,895, filed February 4, 1992, now abandoned, which is a division of application Serial No. 07/556,423, filed July 24, 1990, which has been issued as U.S. Patent No. 5,106,954.

8. [ ] New formal drawings are enclosed.
9. [XX] The prior application is assigned of record to: Behringwerke  
Aktiengesellschaft
10. [XX] Priority of application Serial No. P 39 24 746.5, filed on July 26, 1989 in Federal Republic of Germany (country) is claimed under 35 U.S.C. § 119. A certified copy  
[ ] is enclosed or [X] is on file in the prior application.
11. [ ] A verified statement claiming small entity status  
[ ] is enclosed or [ ] is on file in the prior application.
12. [XX] The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Reg. No. 22,540; Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Heffer, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg.

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No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Dirk D. Thomas, Reg. No. 32,600; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanhon Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867.

13. [XX] The power appears in the original declaration of the prior application.
14. [ ] Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
15. [XX] Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315.
16. [ ] Recognize as associate attorney \_\_\_\_\_  
 \_\_\_\_\_  
 (name, address & Reg. No.)
17. [ ] Also enclosed is \_\_\_\_\_  
 \_\_\_\_\_

**PETITION FOR EXTENSION.** If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no. 08/267,539, filed June 29, 1994, for the purpose of maintaining copendency between the parent

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application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: Carol P. Einaudi  
Carol P. Einaudi  
Reg. No.: 32,220

Date: July 21, 1997

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